

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Crl.MC.No. 535 of 2007()

ST.1454/2005 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI

PETITIONER: ACCUSED

1. DR.CHACKO MATTOM, AGED 54 YEARS,
DIRECTOR OF M/S NESSO INFORMATION SYSTEMS(P)LTD.,
MATTATHIL HOUSE, KEZHUVAMKULAM P.O.,
MEENACHAL TALUKKU, KOTTAYAM DISTRICT.
2. ANNIE CHACKO, AGED 52 YEARS,
DIRECTOR OF M/S NESSO INFORMATION SYSTEMS(P)LTD.,
MATTATHIL HOUSE, KEZHUVAMKULAM P.O.,
MEENACHAL TALUKKU, KOTTAYAM DISTRICT.
3. ARUN, AGED 31 YEARS,
DIRECTOR OF M/S NESSO INFORMATION SYSTEMS(P)LTD.,
KIZHAKKEKARA HOUSE, KUNNONNY P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENTS: COMPLAINANT

1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. M/S KERALA STATE INDUSTRIAL
DEVELOPMENT CORPORATION, REPRESENTED BY ITS
MANAGING DIRECTOR.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.535 of 2007

Dated this the 28th day of February, 2007

ORDER

The petitioners are accused and they face indictment in a prosecution under Section 138 of the N.I Act. They were enlarged on bail by the learned Magistrate. On the date when the case was posted for cross-examination, they could not be present. Subsequently they find warrants of arrest issued by the learned Magistrate chasing them now. They want to appear before the learned Magistrate. They apprehend that their application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. In these circumstances, the petitioners pray that directions may be issued under Section 482 Cr.P.C to the learned Magistrate to release them on bail on the date of their surrender itself.

2. I find no merit in that prayer. I have no reason to assume that the learned Magistrate would not consider their application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-